1: Nadel E-5 (1934-1936) 1942
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In the houses of the higher as well as of lesser nobility I found the practice of divorcing ageing wives and replacing them with more attractive girls. The ex-wife, especially if she had borne children, would be allowed to stay on in the house and would continue to be supported by the husband, or ex-husband—a wife on pension, as it were. The late *Etsu* of Agaie was partial to a different method: he used to marry off his 'pensioned' wives, at very low bride-price, to *talakaži* and peasants, who were either glad to find a 'cheap' wife or else afraid to refuse so exalted a gift. Among the upper classes of Bida old men, long past marrying age, would still add young girls to the number of their 'wives'. Aphrodisiacs (which one can buy from the barber-doctors in Bida) and stimulants (above all, kola-nuts) keep alive their sexual appetite. Old S., who died in 1935, 70 years old, had married a new young wife only the previous year, and a son was born to him ('to him' at least in the legal sense) posthumously.

This classbound polygamy deeply affects the sex morality of the women and, indirectly, of the society at large. Respect for chastity and the sanctity of matrimonial ties dominates the traditional moral concepts of Nupe. But this 'double morality' of a social system which legitimizes unrestricted sexual desire of the men in one privileged stratum, but would force similar desires in other strata into the realm of illegitimate and indictable action, is in danger of defeating itself. In Bida it has clearly provided a strong stimulus to extra-marital sex relations in all classes. Moreover, the starved sexuality of the women in the large polygamous households strives to find an outlet.[1] The insecurity of their legal position tends to remove the barriers of conventional matrimonial morality. Thus many of the younger wives or concubines seek satisfaction in illegitimate relationships and even semi-professional prostitution.

Adultery, including adultery in this extreme form of semi-professional prostitution, is extremely widespread among women of every status. Prostitution in the strict sense (practised as a profession and in brothels) does not occur in Bida. But we have heard that the kola-nut vendors on Bida night-market, all married women, are prostitutes at the same time.[2] We shall learn later of the close association between women's trade and prostitution (and the large majority of Bida women are traders of one kind or another). 'Every woman', an informant told me, 'whom you see beautifully dressed in the streets of Bida after dark, is a "bad" woman.' Informants, themselves married men, were all agreed that there were hardly any 'good' women left in Bida. But when I asked them what the husbands were doing about this they said: 'Nothing; what could we do?' Indeed, they can do little but shut their eyes. The obvious alternative, divorce, is impossible in most cases. Poor men cannot afford to divorce their wives, for this would mean forfeiting part of the bride-price and thus their only chance of finding another wife; moreover, the economic dependence of many husbands on their wives (of which we shall hear more in a later chapter) forbids such a course.

[1] In the royal 'harems' homosexual practices—called *madigo* or *lutu* (the Arabic word for homosexuality)—are, in fact, said to occur.

[2] Their 'tariff' is commonly known: it varies between 6*d.* and 1*s.*

1: Nadel E-5 (1934-1936) 1942
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Men who have to uphold their prestige and social position would never risk the publicity and ridicule of divorce proceedings in which they would have to appear in the role of the wronged husband.[1] The amorous affairs of Bida noblemen supply, in fact, an ever-welcome topic for the town gossips. When some years ago two popular noblemen quarrelled, everyone knew that it was about a girl and had the details at their fingertips. Only the men of very great wealth and highest status are in a position to restrain or threaten their unfaithful wives. For one thing, they can afford to forfeit more than one bride-price, and can thus divorce their wives (according to Nupe Mohammedan law) without invoking elaborate public proceedings. Besides, wives and paramours would hesitate to provoke the enmity of these powerful personages. It is not unnatural, then, that (as my informants said) the wives of these men supply the only example of unimpaired marital fidelity in Bida—another no less striking instance of 'double morality'.

If the older married men are either resigned or complacent, the younger men see in illegitimate adventures only an exciting and tempting aspect of Bida life. We shall meet later with their ideal, the dashing young man 'about town' who can 'have' all the women he wants and can boast of his conquests. The women who avails herself of the loosened marriage ties may be talked about and called (behind her back) a 'bad woman'—*nyizagi banza*, a 'worthless woman'. But in their ordinary behaviour towards these women, when meeting them in the street or in the house of a mutual friend, the men will never fail in their respect towards them or betray by a sign their moral prejudices. This ambiguous attitude is symptomatic of a society which, though still conscious of its traditional dogmatic appreciation of chastity, is yet adapting itself to a spreading laxity of morals.

There is indeed evidence to show that sexual licence has been greatly increasing in the last generation or two. But there is also evidence of the fact that sexual licence on a smaller scale and within strictly defined limits enjoyed a legitimate existence in traditional Nupe society. The anomaly of public morals which would condemn sexual licence yet at the same time sanction it in a certain well-defined social domain is familiar to the student of society. In Nupe as in all other societies this qualified admission of sexual licence is due to various social causes. A first cause lies in the nature of sex itself, namely, in the reaction to the restraint on all pre-marital and extra-marital sexual relations which characterizes the traditional sex morality of the people. Another cause is the large floating population in Bida, composed of traders, warriors (formerly), labourers (to-day), that is, men who come to Bida without their wives and depend on prostitution for the satisfaction of their sexual appetite. A third cause is embodied in the institution of female trade. We shall see later that women's trade involves a loosening of matrimonial and family ties and tends to become identified with licentious living. In female trade Nupe society thus has grasped a ready occupational framework for that domain of sanctioned

[1] Clear evidence of this is the scarcity of divorce cases, which form two-thirds of all court cases in Bida, from the houses of the nobility.

1: Nadel E-5 (1934-1936) 1942
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in Nupe I found the following *dashi* associations in practice: *dashi* associations formed by women, the wives of farmers in Doko, Kacha, and one or two other villages, in which the weekly subscription was 3*d.*: they numbered between twelve and thirty members; a *dashi* among the Bida barbers, with the subscription of 4*d.* weekly, numbering ten members (I was told, incidentally, that formerly their *dashi* was organized on a much larger scale). Another *dashi*, numbering twenty-four members, was formed by N.A. scribes; here the subscription was high, in accordance with their salary, 10*s.* per month. The teachers of Bida Middle School also formed a *dashi*, numbering twelve members, with a subscription of 7*s.* 6*d.* per month. Eight members of this group had formed a *dashi* with a subscription of £1 per month the previous year. Several *dashi* associations have disappeared owing to the economic stress. The labourers at the Bida workshops had practised the *dashi* till five years ago, but had given it up when their wages were lowered. The beadworkers, who had also practised the *dashi* formerly, had abandoned it owing to the decline of their business. I received the same information among carpenters, blacksmiths, and butchers. The canoe-men in Jebba, finally, who used to organize their *dashi* at irregular times, had not had a *dashi* for several years.

Returning to the general discussion of 'insurance': as the large co-operative unit in agriculture and home industry is disappearing, and, with it, the 'insurance' which it provided, one may wonder whether this must not bring the other, individual, insurance arrangements more to the foreground. It is thus rather surprising that the practice of the *dashi*, far from increasing, is disappearing. The people, as we have heard, explain this as being due to the general economic decline. The beadworkers said that they had no money to spare, and the barbers and labourers did not think it worth their while to organize a *dashi* with a small subscription. Borrowing, on the other hand, especially the borrowing by husbands from their wives, is markedly on the increase. Disputes over debts of this kind are frequent in divorce proceedings in Bida. The examination of household budgets also reveals a considerable number of instances (five out of fifty) in which husbands borrowed money, chiefly for tax, from their more prosperous wives; and even in remote places, such as fishing villages on islands in the Niger, where the women are by no means the enterprising traders they are in Bida or larger villages, husbands borrowed up to 8*s.* and 9*s.* from their wives. That under a continued economic stress borrowing may spread and increase further, and eventually lead to the introduction of professional money-lending, is not improbable. Borrowing in Nupe, which has once already reached a peak (in pawning), might well, in a different form, grow again to such dimensions.

It is clearly a sign of the growing instability of the native economic system that the solid and comprehensive insurance against risks which is vested in the co-operative labour-unit is disappearing, and that its place is taken by the most restricted, most temporary, form of insurance —borrowing. Once again, we encounter social and economic repercussions of the dissolution of the large labour-unit. If previously we have seen that this development has adversely affected certain aspects of

LEGAL PROCEDURE

627 The village head has limited and informal judicial powers. Minor cases are settled by him with two or three members of the council and the elders of the ward to which the litigant belongs. The procedure is informal and discussion rarely becomes heated. The authority of these courts is gradually being surrendered to the officially recognized courts. Cases requiring formal justice are referred to the 671 Native Court under the professional Moslem judge (*Alkali*) of the District.

692 In modern Nupe, Moslem law is paramount; the judges (pl. *Alkalai*) reside in Bida and the other Districts. The Bida town court is both a local court and appeal court for the Districts. The *Etsu* and his councillors form a higher court of appeal for cases concerned with land.

671 A marked disparity has been reported between Moslem law and the traditional 182 culture, particularly in rural communities, where the social and economic conditions differ most widely from the social life of which Moslem law is an expression. Peasants who were familiar with and understood the old customary law, often insist, when they come before the courts, on being accompanied by a mallam or person of standing who is familiar with the "new" law.

Among the Kyedye the *Alkali* holds his court in Muregi; the *Kuta* (chief) and delegates (district heads) have no judicial authority.

692 Jurisdiction over grave crimes was formerly the responsibility of the *Etsu* 696 Nupe. The death penalty was exacted for theft in the night, "big theft," murder, and treason. Traditionally the only villages in which executions could be performed were the *ledu* (pl. *leduzhi*) villages—Jebba, Gbere, Tada, Jiragi, Sulati, Fofo, Taiji, and Cewuru, which lie along the banks of the Niger 10 to 15 miles apart, between Jebba in the north and Eggan in the south. The king's hangmen resided here and a criminal was generally taken for execution to the *ledu* village nearest to his home.

773 Each of these villages possesses a "chain of Tsoede," generally kept at the 782 chief's house; it is a typical heavy iron slave or prison chain, up to 30 ft. long, with arm- and leg-irons. Traditional sacrifices of beer and blood are made to it, and it protects the village from sickness and brings fertility to women. Jebba and Tada, the oldest of the *leduzhi*, also possess bronze figures.[87]

INHERITANCE

428 The personal property of men is inherited by their sons, that of women by their daughters. The family farm goes to the relative next in seniority, younger brother or eldest son, in the classificatory sense.[88]

586 A widow may be inherited by her husband's sister's son or her husband's younger brother: custom forbids remarriage with an elder brother. Islam, however, allows remarriage with elder or younger brother.[89]

LAND TENURE

423 Land tenure in different parts of the country has been variously affected by two factors, namely the appropriation as estates held by the nobility of parts of the tribal lands after the Fulani conquest, and the density of population.

The royal house of Bida holds the title to certain lands by right of conquest. Land was also bestowed on others by the royal house for services rendered, and all individual titles to land are held to be ultimately derived from this one source. The clearing and first hoeing of the royal estates is done by large-scale communal labour. The subsequent work was formerly done by slaves, but to-day by paid labour.

Most of the appropriation of land occurred in the area east of the Kaduna River. Here population is more dense and there is a complex system of land ownership and transfer. Owing to the consequent shortage, disputes are frequent and particu-

[87] Nadel, 1942, pp. 56–8, 165–79; 1940a, p. 181; 1935b.
[88] Nadel, 1942, pp. 31–2, 345.
[89] Nadel, 1954a, pp. 249–50.

3: Forde E-4 (no date) 1955 FF52 Nupe FF52

585 and after this festivities begin, ending on the ninth day with the segregation of the bride. The last ceremony, on the 12th day, consists of a ritual meal of a cock and hen by the bride and bridegroom and their close relatives, after which the marriage may be consummated.[12]

DIVORCE

586 According to Temple[13] a woman may divorce her husband if he has been convicted of crime, if he fails to maintain her, or deserts her for three years. A man may divorce his wife for adultery but seldom does so, since, as Nadel points out, the economic dependence of many husbands on their wives discourages them from [558 837] seeking a divorce on these grounds. They also feel that it involves a loss of prestige to appear in the rôle of a wronged husband. Adultery is, indeed, widespread among women of every status, particularly in Bida.[14]

BURIAL

764 According to the traditional ceremonial, burial (*mba*) takes place as soon as possible after death and at any time of day when there is enough light to see by. The grave-diggers (*goro*), who also prepare the body for burial, are sent for immediately death has taken place. The age and kinship position of the deceased determines the place of burial, old men and women, and family heads, being buried under the floor of their sleeping-huts, with a sacrifice performed (by the *goro*) over the grave. Others are buried without ceremony in the space between the huts, by the compound wall, or in a disused, roofless hut. People dying of smallpox are buried in the normal way, except that the body is wrapped in old rags instead of a new [766] cloth. Lepers are buried in the bush. The grave is oblong and shallow, only about 2 ft. below the ground, with a roof of wooden beams covered by a white grass mat, to keep the earth off the corpse. The body is placed on a similar mat, lying on its side, Moslems facing east. A grave is not marked in any way, the earth being carefully levelled, indeed, if burial has been in a sleeping-hut, the hut continues to be used.

765 At the death of chiefs or priests any particular ritual "owned" by them is performed. The full funeral ceremonies consist of three rituals, carried out after 8, 40, and 120 days, bearing the names of these time intervals. The full series is performed only for married men; old men, without surviving widows, do not have the last ritual. In general, children, unmarried young men, and women have only the "eight days."

Mourning must be kept up for eight days, during which relatives of the deceased must not wash, dress their hair, or change their clothes, but men observe this rule for only four days so that they may make preparations for the "eight days" feast. Widows observe mourning until four months after the "eight days" and may not think of re-marriage until then.

764 184 In Moslem funerals, the *goro* grave-diggers are replaced by mallams, who speak or read prayers in the presence of the men of the house, both before the body is buried and again before the grave is finally closed. The mallams are offered food and money, in payment for their services and as a "pious offering" to be distributed among the other mallams of the town. The subsequent ceremonials have also been made occasions for alms-giving.[15]

[12] Nadel, 1954a, pp. 19–21.
[13] Temple, 1919, pp. 321–2.
[14] Nadel, 1942, pp. 152–3.
[15] Nadel, 1954a, pp. 121–30.

4: Temple G-4 (no date) 1922
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The successor's initiatory act is to go to the tombs of each of his predecessors, where he offers prayer at the head of his people. He would have three compounds to visit, the burial place of each of the three family branches, one sepulchre being in his own palace, as the Chief resides in his own family mansion.

The Nupe King, entitled Etsu in pre-Filane days, now Emir of Bida, has been a Muhammadan for some centuries and Koranic law is, therefore, observed, but as it has been modified since the advent of the British the following relates to the system of punishment in vogue before that time. All cases were then, as now, decided by the Alkali in court, and he informed the Emir of all important sentences. If there were doubt as to the guilt of the accused the Alkali would sometimes summon a Mallam with the gift of second sight to assist him, but he would never fail to come to a decision. Boys under seventeen were not considered adult, and were not subject to courts of law, but were punished at home by their fathers or guardians—and the same applied to unmarried women.

The theft of any food stuff eaten on the spot was considered no offence, but if any objects worth 1,250 cowries (=6d.) or more were stolen the thief had his hand cut off, for a second offence his foot, for a third offence his second hand, for a fourth, his second foot. It is so much recognised as a brand, that an innocent man who has to have his hand amputated always has it done at the elbow. If, however, there were extenuating circumstances, if it was a first offence, and the man pleaded guilty, he might be let off altogether, or imprisoned. Theft between husband and wife is considered no offence. If the value of goods taken was 10,000 cowries or more his head was cut off, and the same punishment was inflicted for highway robbery with violence. If no bodily hurt were done, imprisonment was substituted for any term up to four years.

For assault a fine of 50,000 cowries was levied.

For resisting a dogarai, or officer of the Alkali's court, a fine of 100,000 cowries upwards was imposed.

Injudicious talk was punished by cutting off the mouth and ears.

Murder was punished by decapitation.

Sentences of death were carried out by dogarai, who buried the bodies, unless the families sent for them.

Adultery was heavily punished in old days, but not now. Married women were liable to law. They suffered imprisonment inside the Alkali's compound, in compliance with Muhammadan decorum, and a murderess was put in a pit (in this compound), from which her head alone emerged, and was kept there without food or water till she died, for a woman might not be killed! There were but few women criminals, as crime is ground for divorce, and it is hard for a criminal to get another husband.

586 A woman may equally divorce her husband for crime, or she may get special permission from the Court to marry someone else, if he consents, for the period for which her husband is imprisoned. She cannot obtain divorce on any other ground except that of desertion for three years, or failure to keep her. A man can obtain it for other causes, but rarely does so without good cause, for he loses all the dower money he has paid for his wife. Remarriage is permitted to both sexes after a three months' interval.

581 764 Marriage plays an important part in the social life of the Nupe and is *de rigueur* for both sexes. Until a man has married a virgin with due ceremony, he is accounted a nobody and his fellows will neither speak with him nor listen to him. No one will bury an unmarried woman, even though she be a widow. After much delay this degrading duty devolved upon the dogarai, and now upon Government labourers.

582 The would-be bridegroom calls three times upon the girl's parents, each time bringing with him some small present for the father, mother and girl, and then makes known his intentions. The girl's consent has to be obtained, and the parents generally tell him to go and ask her, without mentioning that he has been first to them. If she agrees she tells him to go to her people and thus it is arranged. Indeed it is sometimes she who first suggests to her father whom she would like to marry and he takes the necessary steps. The engagement is formally recognised when the suitor gives 12s. 6d. in money and two calabashes of kola nuts to the father, and 7s. 6d. in money and one calabash of 583 kola nuts to the mother, for them to distribute amongst the 584 male and female members of their family respectively. From this time on the pretendant must work on his father-in-law's farm or house, together with his friends, two or three times a year, and every big Salla he gives to his bride 5s. worth of clothes and 2s. to plait her hair. This may last for some years, as a boy may be betrothed at the age of ten or twelve and a girl at five or seven. These early engagements are, however, considered undesirable, and the yearly cost to the groom effectually tends to discourage them. A careful count is kept of all that he gives, so that it may be returned if the girl should ultimately refuse to consummate the marriage. Once they are engaged the boy [573] and girl may not play together, which up to the time of marriage they may do with anyone else. In fact a boy and girl may declare themselves "saranchi," or great friends, and they are allowed to go to each other's houses until one or other of them marries.

585 When the time for consummating a marriage has come the groom gives his wife three cloths and a handkerchief, at a minimum value of 30s., and if she does not like those he has selected, she returns them and he must send others till she is satisfied. At the same time he gives her parents £2 10s., which they spend on

4: Temple G-4 (no date) 1922

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as far east as Awtun (Ekiti), and from Yagba District to Ilorin.

"A wealthy woman trader would sometimes go through the form of marriage with one or more young women—reputed virgins. These 'wives' she would send out to various neighbouring villages, ostensibly trading. When, in the expected course of events, these 'wives' formed illicit attachments, a careful note was made of the resultant progeny. When the children had reached five or six years, or more, they were claimed by the woman 'husband' as her children, based on the legal fiction of all legal wives' children being the children of the legal 'father.' In almost every case, the real father compounded with the legal 'father,' in the customary value of the child. The profit to the woman capitalist was exceedingly great.

"This custom is not confined to the pagan, nor to the female sex. Many a reputed Mussulman (Bida-Pategi) will allow his wife to go on three and four years' trading expeditions, fully cognisant of the inevitable results. In due time he will apply for the custody of the children, which are legally his until his wife has sued for and obtained a legal divorce, which last is seldom done, owing (in Nupe and Ilorin generally) to the high 'dowry' money claimed. If the case is settled out of Court, the husband enjoys substantial profits. On the other hand, if the wife and children return to him, which is seldom nowadays, he can always obtain a respectable 'dower' from the suitors to the girl children. As to the boys, he finds every use for them on his farm."

The first wife is the head one, and advises the other women on all household and commercial matters, and they have to apply to her for permission to leave the compound. Each wife has her own hut, but all the women have their meals together, when they sit round the pot in a circle, in strict order of precedence, counting from the right hand of the first wife. Next her is the second wife, next her the third wife, next her the fourth wife, then come their daughters and foster-daughters in order of age, dependants and slaves. The first wife helps herself and passes the pot round the table, hands only being used—she alone may sit upright, while the others are obliged to crouch in her presence.

There are three meals in the day, at 7 a.m, mid-day, and sun-down, each meal consisting of one dish only. For breakfast they have "fura," a sort of porridge, with cow's milk where it is obtainable, (The Nupe will not drink goat's milk, though they eat its flesh.) At noon the poorer people have porridge again, the well-to-do have guinea-corn, or rice, mixed with soup. Supper is the principal meal, when soup is made with guinea-corn or rice, and any meat or fish that may be available.

* Mr. E. C. Dufi.